

**Conservation Commission Meeting Minutes
September 11, 2013**

Members Present: Joseph W. Lynch, Jr., Vice Chairman, John T. Mabon, Sean F. McDonough, Douglas W. Saal.

Members Absent: Louis A. Napoli, Chairman, Deborah A. Feltovic, Albert P. Manzi, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:06PM Quorum Present.

Approval of Minutes of 8/14/13

- A motion to accept the meeting minutes of 8/14/13 as drafted and reviewed is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Small Project

NACC#118, 80 Great Pond Road (TLD, LLC) (Installation of a Fence)

- The applicant Thomas D. Zahoruiko of TDL, LLC presents a proposal to add a fence to the property. The house itself did not have an Order of Conditions. The fence would be 35' from the resource area at its closest point.
- A motion to issue this small project as a 4.4.2.H is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to accept this as a small project with conditions for pre- and post-construction meetings is made by Mr. McDonough, seconded by Mr. Mabon. No erosion control is required if posts are hand dug.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Description of work proposed fence located in manicured meadow*
- *No grade or other alteration combined cedar post and rail fence and black vinyl chain fence*
- *Copy of Check*
- *Photo dated 9/3/13*
- *Plan of Land dated 4/1/13*

Request for Determination of Applicability

224 Carlton Lane (Hughes)

- Mr. Saal read the legal notice.

- The administrator presents the patio which was proposed after the applicant received a negative determination for a deck addition so a new RDA was filed.
- The applicant Greg Hughes of 224 Carlton Lane is present for questions.
- Mr. Lynch states the applicant should be careful of his septic system.
- A motion to issue a negative determination #3 is made by Mr. McDonough, seconded by Mr. Mabon.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for determination of applicability*
- *Project Description*
- *Copy of Check*
- *Notification to Abutter's Form*
- *Certified Abutter's List dated 7/10/13*
- *Locus Map*
- *USGS Map*
- *NHESP Map dated 9/5/13*
- *Plan of Land 8/29/13*

181 Berkeley Road (Mackay)

- Mr. McDonough read the legal notice.
- The administrator presents the proposal to add a fence to the property, portions of which are in the 25' No-Disturbance Zone.
- The applicant Eva Mackay of 181 Berkeley Road states her concern for a 7-foot drop in the back yard adjacent to the detention basin. She is trying to sell the house and this is a concern for families.
- Mr. Mabon asks about the property boundary which is not properly shown on the aerial photograph. He states that pre- and post-construction meetings and erosion controls are needed.
- Mr. McDonough asks what kind of fence is proposed.
- Ms. Mackay states 4'.
- Mr. Saal states that the plan shows the fence below the stone wall. A clarification will be needed in the decision.
- The Conservation Commission discusses that the fence will need to be staked out and the drain line located and confirmed in a preconstruction meeting. Public works would also need to confirm due to easement on property. A break away piece of fencing would be needed to allow equipment access on the easement.
- Ms. Mackay states the new homeowner would install the fence.
- A waiver of the 25' No-Disturbance Zone is needed. Administrator states these houses were built before local bylaw.
- A motion to issue the waiver request is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to issue Negative Determination#3 with special conditions for a preconstruction meeting to confirm the fence location is made by Mr. McDonough, seconded by Mr. Saal.

- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA From 1-Request for Determination of Applicability*
- *Project Description*
- *Copy of Check*
- *MIMAP Aerial Image/with fence drawn in printed dated 8/30/13*
- *Photo of Subdivision plan w/fence drawn in red*
- *Fence in existing lawn area within drainage easement, with permission from DPW*
- *310 CMR 10.02 (2) (B) 1. B.*
- *Signatures and submittal requirements*
- *Notification to Abutter's Form*
- *Certified Abutter's List dated 8/26/13*
- *NHESP Map dated 9/9/13*
- *USGS Map dated 9/9/13*
- *Plan of Land dated 12/23/1985*

Notice of Intent (NOI)

242-1589, 1077 Osgood Street (Angus Realty Corporation) (Lynnfield Engineering Inc.) (cont. from 8/28/13) (Request to cont. to 9/25/13)

- A motion to grant the request for a continuance to the September 25, 2013 is made by Mr. McDonough, seconded by Mr. Saal.
- Vote unanimous.

Document:

- *E/Mail from Richard Barthelmes, P. E. of Lynnfield Engineering, Inc. requesting a continuance to September 25, 2013 meeting dated 9/9/13.*

NACC#117, 50 Royal Crest Drive (AMICA North Andover, LLC) (Cornerstone Land Consultants, Inc.)

- Mr. Saal read the legal notice.
- The Administrator states that the project has been reviewed by Eggleston Environmental.
- Kenneth Lania of Cornerstone Land Consultants, Inc. states the proposed bioretention area is part of the 5-year plan submitted on behalf of Royal Crest. This will alleviate flooding by taking the drainage train G offline. The square footage of the t-series wetland will not change. A low and high marsh system will be created. Many trees will remain.
- Mr. Mabon asks about some of the concerns in the Eggleston review letter.
- Mr. Lania states the drainage review and plan submitted tonight address Lisa's concerns.
- Mr. Lynch states the intent of the project appears to be storage and treatment, not infiltration and recharge. He asks about feasibility of maintenance.
- Mr. Lania states he is making a training video on how to maintain. The O&M for the site has been modified to include the new structure.
- Mr. Lania and Mr. Lynch discuss the use of mulch in the area.
- Mr. Saal asks about connecting to manhole 2498.
- The NACC discusses the manhole connection and other drainage structures in the area.

- Mr. Lynch states he is pleased the owner is moving forward with the recommended drainage work.
- Lisa's final comments on the changes are needed.
- A motion to grant the request for a continuance to the September 25, 2013 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from Eggleston Environmental dated 9/11/13*
- *Application Checklist-Notice of Intent*
- *Letter from Cornerstone Land Consultants, Inc. dated 8/29/13*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *NOI Wetland Fee Transmittal Form*
- *Copy of Local Check*
- *Locus Map dated 7/24/13*
- *Aerial Photography dated 7/24/13*
- *USGS Topographic Maps dated 7/24/13*
- *NHESP Endangered Species Map dated 7/24/13*
- *FEMA Floodplain Map dated 7/24/13*
- *Zoning Map dated 7/24/13*
- *NRCS Soils Map 7/24/13*
- *Train G (reduced scale)*
- *Existing Drainage System-Train G dated 11/15/12*
- *Checklist for Stormwater Report*
- *North Andover Conservation Commission Waiver Request Form dated 8/29/13*
- *Affidavit of Service dated 8/29/13*
- *Certified Abutter's List dated 8/1/13*
- *Notification to Abutter's Form*
- *Drainage Diagram for Drain Train G Separation*
- *Notice of Intent Site Plan dated 8/1/13*
- *Notice of Intent Detail Sheet dated 8/1/13*
- *Existing Drainage System Train G dated 11/15/12*

242-1603, 315 South Bradford Street (Smolak Farm, LLC) (ESS)

- Mr. McDonough reads the legal notice.
- The applicant H. Michael Smolak, Jr. of 315 South Bradford Street presents the proposal to add restrooms and a storage area to the function area on the property.
- Photos of the area are circulated.
- Mr. Mabon asks the administrator about the delineation. The project appears to meet setbacks.
- Administrator states delineation was reviewed.
- Mr. Lynch states the project does not meet the criteria for an agricultural exemption.

- The applicant discusses other work on the property that does qualify for an agricultural exemption. This includes regrading a field and implementation of a forest management plan.
- Mr. Lynch states his support of this well run farm.
- Mr. Smolak work to be done on sewer system on the site.
- A motion to grant the request for a continuance to September 25, 2013 because of NHESP review is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *NOI Wetland Fee Transmittal Form*
- *Letter from Smolak Farms, LLC dated 8/12/13*
- *Certified Abutter's List dated 8/12/13*
- *Notification of Abutter's Form*
- *Letter from Basbanes Wetland Consulting dated 8/6/13*
- *Locus Map*
- *Function Building Sketch dated 8/8/13*
- *Aerial Photo showing Bathroom and Office & Storage Area with wetland line and 50-foot No-Build Zone dated 8/8/13*
- *Site Plan Proposed Building dated 8/28/13*
- *Photo dated 9/4/13*

242-1601, Cotuit & Leyden Streets (Burke Esq.) (Pennoni Associates, Inc.) (cont. from 8/28/13) (Request to cont. to 9/25/13)

- A motion to grant the request for a continuance to the September 25, 2013 meeting is made by Mr. Saal, seconded by Mr. McDonough.
- Vote 3 to 1 (Mr. Lynch an abutter abstained)

General Business: 8:00PM

242-1398, COC Request, 575 Osgood Street (Edgewood Retirement Community, Inc.) (cont. from 8/28/13)

- Administrator presents final review submitted by Eggleston Environmental.
- The commission discusses the final COC items that were addressed.
- A motion to issue the COC is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from West Environmental dated 5/16/13*
- *E/Mail from Eggleston Environmental dated 9/6/13*
- *Letter from Christiansen & Sergi, Inc. dated 6/26/13*
- *Letter from Christiansen & Sergi, Inc. dated 11/19/12*
- *Letter from Hinckley Allen Snyder, LLP Attorney at Law dated 4/24/13*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Roadway Samuel Way Plan dated 9/3/13*

- *As-Built Roadway Amelia Way Plan dated 9/3/13*
- *As-Built Roadway Caroline Way Plan dated 9/3/13*
- *As-Built Roadway Charlotte Way Plan dated 9/3/13*
- *As-Built Roadway Profiles dated 9/3/13*
- *As-Built Constructed Wetlands dated 9/3/13*
- *As-Built Plan dated 9/3/13*
- *Photos dated 8/26/13*

**242-1261, COC Request, Cotuit & Leyden Streets (Burke, Esq.) (Pennonni Associates, Inc.)
(cont. from 8/28/13) (Request to cont. to 9/25/13)**

- A motion to grant the request for a continuance to the September 25, 2013 meeting is made by Mr. Saal, seconded by McDonough.
- Vote 3-1 (Mr. Lynch, an abutter, abstained).

**242-1561, COC Request, 109 Nutmeg Lane (Gorman) (Marchionda & Associates, L. P.)
(cont. from 8/28/13) (Request to cont. to 9/25/13)**

- A motion to grant the request for a continuance to the September 25, 2013 meeting is made by Mr. Saal, seconded by Mr. McDonough.
- Vote unanimous.
- ***Document:***
- *E/Mail from Liz Gorman of 109 Nutmeg Lane requesting a continuance to September 25, 2013 meeting dated 9/9/13.*

Executive Session

80 Saile Way

A motion to enter into executive Session is made at 8:30 p.m. by Mr. Mabon, seconded by Mr. McDonough.

A roll call vote is taken with each member responding in the affirmative to enter executive session.

A roll call vote is taken to end the executive session with each member responding in the affirmative and a motion is made to adjourn the meeting at: 9:00PM by Mr. McDonough, seconded by Mr. Saal.

Vote unanimous.